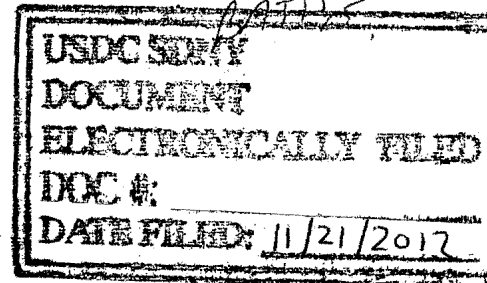


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



CESAR VARGAS, on behalf of himself and all  
others similarly situated,

Plaintiff,

- against -

HSBC BANK USA, N.A.,

Defendant.

No. 11 cv 07887 (DAB)

STIPULATION AND ORDER OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED, by and between Cesar Vargas ("Plaintiff") and defendant HSBC Bank USA, N.A. ("HSBC"), by and through their counsel, that:


1. Plaintiff filed his Class and Collective Action Complaint (the "Complaint") on November 4, 2011 under the caption Cesar Vargas v. HSBC Bank USA, N.A., in the United States District Court, Southern District of New York (the "Action") which asserts claims for relief pursuant to the Fair Labor Standards Act ("FLSA") and the New York Labor Law ("NYLL"). Defendant filed its Answer and Defenses on December 28, 2011.


2. Effective June 30, 2012, HSBC terminated Mr. Vargas's employment. In connection therewith, Vargas and HSBC entered into a Separation Agreement and Release dated July 27, 2012, pursuant to which, Vargas agreed to waive and release his claims asserted under the NYLL in the Action.

3. Subject to the approval of the Court, Plaintiff hereby voluntarily dismisses with prejudice and without costs to Defendant and Plaintiff, the claim asserted under the NYLL

(Second Claim for Relief) in the Action pursuant to Rule 41(a) 2 of the Federal Rules of Civil Procedure.

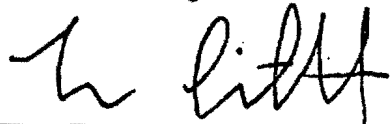
Dated: November 20 2012

  
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Counsel for Plaintiff Cesar Vargas

Dated: November 19 2012

  
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SO ORDERED:

  
Deborah A. Batts 11/21/12  
United States District Judge